

UNITED STATES DISTRICT COURT

FOR THE  
SOUTHERN DISTRICT OF NEW YORK

CERTIFICATION OF JUDGMENT FOR  
REGISTRATION IN ANOTHER DISTRICT

Creative Waster Management,  
Inc,

Plaintiff,  
VS.

10-MC-5

CASE NUMBER:04CV 9581 (WCC)

Capitol Environmental  
Services, Inc. And  
The City of New Rochelle  
Defendants.

I, J. Michael McMahon, Clerk of the United States District Court for the Southern District of New York do hereby certify that the attached judgment is a true and correct copy of the original judgment entered in this action on December 13, 2006, as it appears in the records of this court, and that

\* "an appeal was taken from this judgment and the appeal was dismissed by USCA Mandate entered on February 8, 2008" docket #92.

IN TESTIMONY WHEREOF, I sign my name and affix the seal of this Court on December 23, 2009

*J. Michael McMahon*  
CLERK  
Clerk  
*Luaine Lombardo*  
Deputy Clerk

\*Insert the appropriate language:..."no notice of appeal from this judgment has been filed and no motion of any kind listed in Rule 4 (a) of the federal Rules of Appellate Procedure has been filed." .. "no notice of appeal from this judgment has been filed and any motions of the kinds listed in Rule 4 (a) of the Federal Rules of Appellate Procedure [\*] have been disposed of the latest order disposing of such motion having been entered on [date]." . . "an appeal was taken from this judgment and the appeal was dismissed by order entered on [date]."

[Note: The motions listed in Rule 4(a) Fed.R.App.P. are motions: for judgment notwithstanding the verdict; to amend or make additional findings of fact; to alter or amend the judgment; for a new trial; and for an extension of time for filing a notice of appeal.

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CREATIVE WASTE MANAGEMENT, INC.,

Plaintiff,

-against-

CAPITOL ENVIRONMENTAL SERVICES, INC.,  
CODE ENVIRONMENTAL SERVICES, INC.,  
AND CITY OF NEW ROCHELLE,

Defendants.  
-----X

CITY OF NEW ROCHELLE,

Plaintiff,

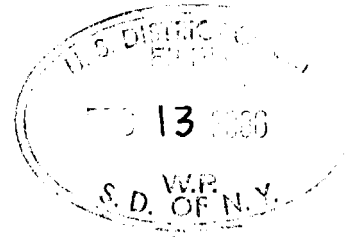
-against-

FIDELITY AND GUARANTY INSURANCE  
COMPANY and UNITED STATES FIDELITY  
AND GUARANTY COMPANY,

Defendants.  
-----X

04 CV 09581 (WCC)

JUDGMENT



Consolidated Case:  
05 CV 00932 (WCC)

WHEREAS on November 2, 2006 this Court issued an Opinion and Order granting summary judgment in favor of defendant Code Environmental Services, Inc. ("Code") and against plaintiff Creative Waste Management, Inc. ("Creative") awarding Code the amount of \$21,024.64; and

WHEREAS on November 13, 2006, all claims by and against defendant Capitol Environmental Services, Inc. were settled; and

WHEREAS, after all motions in limine had been resolved by oral order, a consolidated Jury Trial of the remaining claims in both the above-captioned actions began on November 7, 2006 and concluded on November 21, 2006, with a verdict: (1) awarding Creative against the City of New Rochelle ("New Rochelle") \$70,289.40, representing fifteen percent (15%) of the economic loss caused by New Rochelle's failure or breach; (2) awarding New Rochelle against Creative \$9,010.00 for damage to the pilings of the marina caused by Creative, for a net award of

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\$61,279.40 in favor of Creative against New Rochelle; and (3) awarding New Rochelle against Fidelity and Guaranty Insurance Company and United States Fidelity and Guaranty Company ("the Surety") and Creative \$48,802.00 for the sediment not removed from the marina and \$300,000.00 for reasonable cost of completing the project, for a total award of \$348,802.00 in favor of New Rochelle against Creative and the Surety, it is therefore

**ORDERED, ADJUDGED AND DECREED** that:


(1) Code Environmental Services, Inc. shall have judgment against plaintiff Creative Waste Management, Inc. in the amount of \$21,024.64 plus taxable costs and interest at 9% per annum from February 1, 2004;

(2) Creative Waste Management, Inc. shall have judgment against the City of New Rochelle in the amount of \$61,279.40; and

(3) the City of New Rochelle shall have judgment against Creative Waste Management, Inc., Fidelity and Guaranty Insurance Company and United States Fidelity and Guaranty Company jointly and severally in the amount of \$348,802.00 plus interest at 9% per annum from February 1, 2004.

DATED: White Plains, New York  
December 13, 2006

So Ordered:

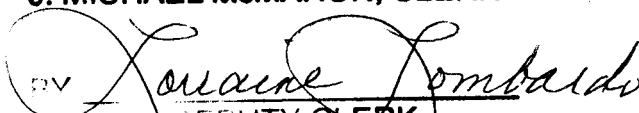
  
William C. Conner, U.S.D.J.

Dated: White Plains, New York  
December 13, 2006

  
Michael McMahon, Clerk of Court

A TRUE COPY   
J. MICHAEL McMAHON, CLERK

E.O.D.

  
Suzanne Lombardo  
DEPUTY CLERK